

# EXHIBIT "H"

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF HAWAII

REID I. TAMAYOSE and )

NADINE K. TAMAYOSE, )

Plaintiffs, )

vs. ) CASE NO. CV10 00185

OPTION ONE MORTGAGE )

JMS BMK

CORPORATION, its successors)

and assigns; H&amp;R BLOCK )

BANK; RESIDENTIAL CREDIT ) DEPOSITION OF

SOLUTIONS, INC.; and DOES ) REID I. TAMAYOSE

1-30, ) July 21, 2011

Defendants. )

\_\_\_\_\_) )

RESIDENTIAL CREDIT )

SOLUTIONS, INC., )

Third-Party )

Plaintiff, )

vs. )

OLD REPUBLIC TITLE &amp; )

ESCROW OF HAWAII, LTD., )

Third-Party )

Defendant. )

\_\_\_\_\_) )

1 DEPOSITION OF REID I. TAMAYOSE,

2 Taken on behalf of Defendants Option One Mortgage  
3 Corporation, now known as Sand Canyon Corporation,  
4 and H&R Block Bank at American Savings Bank Tower,  
5 1001 Bishop Street, 20th Floor, Honolulu, Hawaii  
6 96813, commencing at 9:04 a.m., on July 21, 2011,  
7 pursuant to Notice.

8 BEFORE: SUE M. FLINT, RPR, CSR 274

9 Notary Public, State of Hawaii

10  
11 APPEARANCES:

12  
13 For Plaintiffs: BENJAMIN BROWER, ESQ.

14 Dubin Law Offices

15 55 Merchant Street

16 Suite 3100

17 Honolulu, Hawaii 96813

18  
19 For Defendants Option One Mortgage Corporation, now  
20 known as Sand Canyon Corporation and H&R Block Bank:

21 SHELLIE K. PARK-HOAPILI, ESQ.

22 Alston Hunt Floyd & Ing

23 American Savings Bank Tower

24 1001 Bishop Street, Suite 1800

25 Honolulu, Hawaii 96813

1     Appearances (continued):

2

3     For Defendant Residential Credit Solutions:

4                     KARYN DOI, ESQ.

5                     LEU & OKUDA

6                     The Merchant House

7                     222 Merchant Street

8                     Main Floor

9                     Honolulu, Hawaii 96813

10

11     For Defendant Old Republic Title & Escrow of Hawaii,

12     Ltd.:

13                     KEVIN W. HERRING, ESQ.

14                     Ashford & Wriston

15                     Alii Place, Suite 1400

16                     1099 Alakea Street

17                     Honolulu, Hawaii 96813

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1 the next exhibit in order.

2 (Exhibit 12 marked for  
3 identification.)

4 BY MS. DOI:

5 Q. Please look through this exhibit and I'll  
6 ask you some questions. Do you recognize this  
7 exhibit?

8 A. I do not.

9 Q. Do you know whether you received this  
10 document?

11 A. I can't tell you if I did or didn't.

12 Q. The document is dated June 2nd, 2008 on  
13 the top right-hand corner; is that correct?

14 A. Uh-huh.

15 Q. Is that a yes?

16 A. Yes.

17 Q. On June 2nd, 2008, were you living at  
18 6789-B Kuamoo Road in Kapaa?

19 A. Yes.

20 Q. You were accepting mail there?

21 A. I believe so.

22 Q. The document, in the first sentence, do  
23 you see it says, You are late?

24 A. Uh-huh.

25 Q. You are late in making your payments, the

1 earliest of which was due on 2/1/2008 and under the  
2 terms of the promissory note that you signed, your  
3 loan is in default; do you see that?

4 A. Yes, I do.

5 Q. Did you make any payments after February  
6 1st, 2008?

7 A. I myself, no.

8 Q. Do you know if any payments were made  
9 after February 1st, 2008?

10 A. I don't know.

11 Q. Do you believe that the letter contains  
12 incorrect information?

13 A. That, I don't know.

14 Q. Now, turn back to Exhibit 8, which was the  
15 letter from Gary Dubin dated December 4th, 2008.

16 A. This one?

17 Q. Yes. Now, I believe you already testified  
18 that you probably would be -- I'm sorry -- you  
19 probably would be able to repay one million dollars  
20 in December 2008; is that correct?

21 A. Yes. There's a possibility.

22 Q. Okay. You had indicated that you could  
23 ask your two aunts and your mother --

24 A. Correct.

25 Q. -- for assistance; is that correct?

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OPTION ONE MORTGAGE ) JMS BMK  
CORPORATION, its successors)  
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BANK; RESIDENTIAL CREDIT ) DEPOSITION OF  
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1-30, ) July 21, 2011  
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\_\_\_\_\_)  
RESIDENTIAL CREDIT )  
SOLUTIONS, INC., )  
Third-Party )  
Plaintiff, )

vs. )  
OLD REPUBLIC TITLE & )  
ESCROW OF HAWAII, LTD., )  
Third-Party )  
Defendant. )

\_\_\_\_\_)

DEPOSITION OF NADINE K. TAMAYOSE,

Taken on behalf of Defendants Option One Mortgage Corporation, now known as Sand Canyon Corporation, and H&R Block Bank at American Savings Bank Tower, 1001 Bishop Street, 20th Floor Conference Room, Honolulu, Hawaii 96813, commencing at 1:15 p.m., on July 21, 2011, pursuant to Notice.

BEFORE: SUE M. FLINT, RPR, CSR 274

Notary Public, State of Hawaii

APPEARANCES:

For Plaintiffs: BENJAMIN BROWER, ESQ.

Dubin Law Offices

55 Merchant Street

Suite 3100

Honolulu, Hawaii 96813

For Defendants Option One Mortgage Corporation, now known as Sand Canyon Corporation and H&R Block Bank:

SHELLIE K. PARK-HOAPILI, ESQ.

Alston Hunt Floyd & Ing

American Savings Bank Tower

1001 Bishop Street, Suite 1800

Honolulu, Hawaii 96813



1   Appearances (continued):

2

3   For Defendant Residential Credit Solutions:

4                   KARYN DOI, ESQ.

5                   LEU & OKUDA

6                   The Merchant House

7                   222 Merchant Street

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9                   Honolulu, Hawaii 96813

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11   For Defendant Old Republic Title & Escrow of Hawaii,

12   Ltd.:

13                   KEVIN W. HERRING, ESQ.

14                   Ashford & Wriston

15                   Alii Place, Suite 1400

16                   1099 Alakea Street

17                   Honolulu, Hawaii 96813

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1 an address.

2 A. Yes.

3 Q. Do you know who RCS is?

4 A. The name is called Residential Credit  
5 Solutions.

6 Q. Do you know who they are?

7 A. They're a mortgage company.

8 Q. Were they the company that you were making  
9 mortgage payments towards?

10 A. I believe so.

11 Q. It was the mortgage company that you were  
12 making payments on this loan, right, the subject  
13 loan?

14 A. I believe so.

15 Q. On June 2nd, 2008, which is the date of  
16 this letter, you and Mr. Tamayose were still  
17 residing at 6789-B Kuamoo Road in Kapaa?

18 A. Is it this one? Okay. I'm sorry. Yeah.  
19 Okay.

20 Q. And you were accepting mail at that  
21 address?

22 A. Yes.

23 Q. If you look at paragraph one, the first  
24 sentence, it says: You are late in making your  
25 payments, the earliest of which was due on